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Vilar May Have Defrauded Other Clients, U.S. Investigator Says

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By Bob Van Voris

Sept. 12 (Bloomberg) -- Alberto Vilar and Gary Tanaka, cofounders of New York's Amerindo Investment Advisors Inc., may have stolen from more than the one investor they're charged with defrauding, a postal investigator said.

In a statement filed under seal in May and released today, a U.S. postal inspector identified a second possible victim in addition to Lily Cates, the New York woman who claims Vilar and Tanaka stole \$5 million from her. The investigator also said Cates referred her to three other investors who Cates believed "may have had trouble" getting their money from Amerindo.

"There is reason to be concerned that other investors are likewise being victimized by Vilar and Tanaka," said U.S. Postal Inspector Cynthia M. Fraterrigo in the May 25 affidavit filed in support of a warrant to search Amerindo's Park Avenue offices.

If true, the existence of additional victims may mean new charges for Vilar, 64, and Tanaka, 62, who face 10 years in prison if convicted on the existing charges of conspiracy, securities fraud, investment adviser fraud, mail fraud, wire fraud and money laundering.

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One of the investors identified in the papers said in an interview that she had no trouble getting her money from Amerindo. Jeffrey Hoffman, Vilar's lawyer, didn't return voicemail messages seeking comment. Glen Colton, a lawyer for Tanaka, declined to respond to the specifics of the government's claims.

"Tanaka is looking forward to his day in court," said Colton.

Search Warrant

Fraterrigo's affidavit became public today in papers filed by Vilar asking U.S. District Judge Kenneth Karas to throw out evidence seized from Amerindo and statements he made to investigators. Tanaka also filed a request today asking Karas to suppress his statements.

Fraterrigo's statement claims that Lisa Mayer, an Amerindo investor since 1987, "described years of begging Vilar to release some of their investment to pay for the care of her sick father -- who Vilar had known for some 30 years, and who was one of Vilar's original investors -- and Vilar's rejection of those

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requests."

Mayer, who said she had dated Vilar "on and off" for about 10 years, according to Fraterriago, claimed Vilar had threatened to create tax problems for her and her family if they sued to recover \$11 million they had invested with Amerindo.

Civil Lawsuits

Last year, Vilar and Amerindo sued Mayer, her sister and a private investigator in New York state court claiming they had spread false rumors that he was stealing client money. Vilar dropped the suit after he was arrested. The Mayers' countersuit for the return of their money is proceeding.

Fraterriago also said that Cates, who is the mother of actress Phoebe Cates, told her that Amerindo investors Brian Harvey, Paul Marcus and Joy Urich "may have had trouble redeeming all or part of their investments."

Urich, contacted at her home near San Diego, says Amerindo returned her money.

"We got our money out in time, several years ago," said Urich, who says she is a longtime friend of Cates.

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"I introduced Lily to Albert, I regret to say," Urlich said, using the name Vilar was born with.

Harvey and Marcus couldn't be located.

Amerindo has been sued by the U.S. Securities and Exchange Commission and is being supervised by a court-appointed monitor.

The case is U.S. v. Vilar, 05-CR-621, U.S. District Court for the Southern District of New York.

--Editor: Aarons.

Story illustration: To see a graph of Amerindo Technology Fund's performance, click ATCHX US <Equity> GP W <GO>.

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